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James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: March 10, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Tom Timko, architect  
Mansiri and Jay Bhawalkar, applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming three-story dwelling and to exceed FAR

RECEIVED  
NEWTON CITY CLERK  
2015 MAR 10 PM 4:22  
DAVID A. OLSON, CLIC  
NEWTON, MA 02459

Applicant: Mansiri and Jay Bhawalkar	
Site: 15 Holman Road	SBL: 43043 0005 and 43043 0004A
Zoning: SR-3	Lot Area: 6,970 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 15 Holman Road consists of a 6,970 square foot lot improved with a single-family residence constructed in 1935. The applicants also own a parcel with an address of "Betrand Road", which is separated from the main property by a footpath and right-of-way designated a "passageway", which is the driveway to 15 Holman Rd. The property has a significant downward slope from the street, creating a three-story structure. The applicants were issued a building permit in November 2014 for a rear addition consisting of a two-car garage on the first level, a family room on the second and a bedroom suite on the third level. The building permit was issued in error, as the project was an increase to a nonconforming three-story house (where 2.5 is the maximum allowed), as well as exceeding the maximum FAR. The applicant is proposing modifications to the plans associated with the building permit, which will require legitimizing the existing noncompliant situations, as well as allowing a further increase to the noncompliant FAR.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Tom Timko, Copper Beech Design, submitted 2/4/2015
- FAR Worksheet, prepared by Tom Timko, Copper Beech Design, submitted 2/4/2015
- Project Information, dated 1/20/2015
- Topographic Site Plan, signed and stamped by Michael P. Clancy, surveyor, dated 2/21/2013
- Architectural Plans, prepared by Tom Timko, Copper Beech Design, submitted 2/4/2015
  - Site and context
  - Proposed lower level
  - Proposed first floor
  - Proposed second floor
  - Proposed right elevation
  - Proposed rear elevation
  - Proposed left elevation

**ADMINISTRATIVE DETERMINATIONS:**

1. There is a significant downward slope from the street to the rear of the property, rendering the dwelling three stories. Section 30-15 Table 1 allows a maximum of 2.5 stories by right. A building permit was issued for a three-story rear addition, which extends the nonconforming number of stories. A special permit is required for the addition, pursuant to Section 30-21(b).
2. Because most of the basement level has a height equal to or greater than four feet from the existing or proposed grade, 50% of the floor area for the level is counted toward FAR. The original calculation for the building permit was incorrect and included only 298 square feet, where 709 should have been included. The maximum allowable FAR for the property is .43. The existing house's FAR, without the addition, is .32. The addition creates an FAR of .51, and the additions proposed by this application increase the FAR to .52. A special permit is required to exceed FAR per Section 30-15(u).

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,970 square feet	No change
Frontage	80 feet	91 feet	No change
Setbacks			
• Front	25 feet	25.4 feet	No change
• Side	7.5 feet	8.0 feet	8.8 feet
• Rear	15 feet	54 feet	18.7 feet
Building Height	36	35 feet	No change
Max Number of Stories	2.5	3	No change
FAR	.43	.32	.52
Max Lot Coverage	30%	15.9%	26.9%
Min. Open Space	50%	55.6%	53.4%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
30-15, Table 1, §30-21(b)	To allow an increase to a nonconforming three-story single-family dwelling	S.P. per §30-24
§30-15(u)(2)	To exceed FAR	S.P. per §30-24